IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Bail Appl..No. 5648 of 2007()

CRMP.3055/2007 of DISTRICT COURT, PALAKKAD
CRMP.2760/2007 of J.M.F.C.-II,PALAKKAD
(CRMP 2946/07)
CRIME NO.30/07 OF KONGAD POLICE STATION

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PETITIONERS

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1. THANKARAJ,AGED 47 YEARS,
S/O. RENGASWAMI,H.NO. 4/621,
MOOKAMBIKA NAGAR, MUTHUSANTH-162,
MOOLAVARATHI, SINKALAYAPURAM,
CHENNAI.

2. SANTHI, AGED 40 YEARS,
W/O. THANKARAJ, H.NO. 4/621,
MOOKAMBIKA NAGAR, MUTHUSANTH-162
MOOLAVARATHI, SINKALAYAPURAM,
CHENNAI.

BY ADV. SRI.C.D.DILEEP
SRI.B.SUBASH BABU

RESPONDENTS:

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1. S.I. OF POLICE,KONGAD POLICE STATION,
PALAKKAD DISTRICT.

2. THE STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 5648 of 2007

Dated this the 25th day of September, 2007

ORDER

Application for regular bail. The petitioners are accused 21 and 22. They face allegations in a crime registered, inter alia, under Secs.395 and 216-A of the IPC. The petitioners are husband and wife. They were arrested and continue in custody from 12/7/07. The crux of the allegations against the accused is that a bank robbery was committed by the principal accused and a large amount of cash and valuables worth about Rs.3 Crores were removed from the bank. The petitioners continue in custody from 12/7/07.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. At worst, only the allegation under Sec.216-A of the IPC can be raised against them. There is no allegation of any conspiracy and, in these circumstances, the mere fact that Sec.395 of the IPC has also been included against them vaguely should not stand in the

way of this Court granting regular bail to the petitioners subject to appropriate conditions, submits the learned counsel.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor submits that the crucial allegations against the petitioners do attract only the offence under Sec.216A of the IPC which is a bailable offence. Of course, the prosecution has not taken the final decision as to whether the petitioners can be mulcted with culpable liability for the principal offence alleged also. The learned Public Prosecutor does not, in these circumstances, oppose the application for regular bail; but only prays that appropriate conditions may be imposed.

4. I am, in the facts and circumstances of this case, satisfied that the petitioners, who have remained in custody from 12/7/07, can now be enlarged on bail subject to appropriate conditions.

5. **In the result:**

(a) The application is allowed.

(b) The petitioners shall be released on bail on the following terms and conditions:

(i) The petitioners shall execute bonds for Rs.1,00,000/-

(Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon until further orders.

(R. BASANT, JUDGE)

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